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For Immediate Release
Monday, November 30, 2020

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Sen Bettencourt Joins in Call for Harris County Elections Administrator Appointment to be Rescinded
Texas Attorney General letter gives Harris County until December 10th to take action or face legal action

Houston, TX – Senator Bettencourt (R-Houston) is joining the call for the appointment of the Harris County Elections Administrator to be rescinded. A recent letter from Texas Attorney General Ken Paxton’s (R-Texas) office to County Attorney Vince Ryan (D-Harris County) stated, “...*Ms. Longoria assumed the role and responsibilities of Election Administrator in violation of the Texas Election Code. As a result, her appointment is a nullity and should be rescinded.*”

This process was started when a letter from the Texas Secretary of State highlighted multiple “**deficiencies**” surrounding the process in which Harris County created this office and appointed Isabel Longoria as their first Elections Administrator. (See attached letters)

“Harris County voters deserve an open and transparent process and unfortunately these letters from the Secretary of State and the Attorney General show that the Election Code was violated,” said Senator Bettencourt. **“Therefore, I am calling for the appointment of the Harris County Elections Administrator to be rescinded.”**

Some of the “deficiencies” noted by the Texas Secretary of State in their November 20th letter:

- 1) Harris County did not send notice to the Texas Secretary of State in accordance with Section 31.031(d) of the Texas Election Code regarding their actions on August 11th.
- 2) Harris County did not provide a notice of appointment to the Texas Secretary of State as required by Section 31.032(c) when Isabel Longoria was appointed as Elections Administrator.

In their November 25th letter, the Attorney General’s office notes, “*In neglecting its obligations under Section 31.031(d) and 31.032(c), Harris County failed to meet the requisites stipulated in the Election Code. As a result, neither the Commissioner’s Court July 14, 2020 order nor the Election Commission’s October 30, 2020 appointment of Ms. Longoria to the position holds any legal weight. In short, the Harris County Office of Elections Administrator does not exist.*”

“Appointing an administrator of elections in the nation’s third largest county should have been made by following the prescribed legal process to the letter,” continued Senator Bettencourt. **“The Attorney General’s letter is specific that the duties of that office should be returned to the elected County Clerk and Tax Assessor-Collector,”** he added.

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K. Ingram Letter to T. Hudspeth PDF

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Ruth R. Hughs
Secretary of State

November 20, 2020

Teneshia Hudspeth
Harris County Clerk
201 Caroline St., 3rd Floor
Houston, Texas 77002

Dear Ms. Hudspeth:

I am writing today regarding deficiencies in Harris County's appointment of Isabel Longoria as elections administrator.

On July 28, 2020, our office received the attached materials from the Harris County Clerk's office. (Attachment A). The documentation includes a July 14, 2020 Harris County Commissioners Court order purportedly "establishing the Office of Election Administrator." The order states that the "effective date for the office to begin operations shall be November 18, 2020." At the same time, however, the order institutes a study by several elected officials regarding the budget and personnel of any elections administrator office. The order also requires that the Commissioners Court approve that study "before proceeding with the process for an elections administrator."

Based on news reports, it appears that the Harris County Commissioners Court received the study and approved it at a meeting on August 11, 2020.¹ Our office did not receive notice of the Commissioners Court's August 11 actions in accordance with Section 31.031(d) of the Texas Election Code.

Subsequently, the Harris County Election Commission seems to have appointed Isabel Longoria to the position of Harris County elections administrator on October 30, 2020.² Your office did not provide us notice of an appointment as required by Section 31.032(c) of the Texas Election Code. Earlier today, however, you e-mailed our office the attached Election Commission resolution. (Attachment B). The resolution, signed by three Commission members, states that Ms. Longoria was appointed elections administrator "at a duly called meeting of the Election Commission" on October 30. The resolution is not dated, but a receipt stamp indicates that it was filed with your office this morning and notes that Chris Hollins "was the County Clerk at the time the vote occurred."

¹ See Hannah Zedaker, *Harris County Moves Forward With Creation of Elections Administrator Office*, Community Impact (Aug. 12, 2020), <https://communityimpact.com/houston/spring-klein/vote/2020/08/12/harris-county-moves-forward-with-creation-of-elections-administrator-office/>.

² See Zach Despart, *Harris County Appoints Isabel Longoria as First Elections Administrator as Hollins Prepares to Step Down*, Houston Chronicle (Oct. 30, 2020), <https://www.houstonchronicle.com/politics/houston/article/Harris-County-appoints-Isabel-Longoria-as-first-15689377.php>.

Please provide any additional documentation you may have with respect to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Keith Ingram".

Keith Ingram
Director of Elections



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 25, 2020

VIA E-MAIL

Vince Ryan
Harris County Attorney
1019 Congress, 15th Floor
Houston, TX 77002
713-755-5101
vince.ryan@cao.hctx.net

Dear Mr. Ryan:

We are in receipt of the attached letter, dated November 20, 2020, from Director of Elections Keith Ingram with the Texas Secretary of State's Office, which identified multiple deficiencies concerning the appointment of Isabel Longoria as Harris County Election Administrator. *See* Exhibit A. After investigating the matter, we concur that Harris County officials failed to follow proper procedures under Sections 31.031(d) and 31.032(c) of the Texas Election Code, thereby exceeding their statutory authority. The purported creation of the Office of Election Administrator and subsequent appointment of Ms. Longoria to the position therefore constitute *ultra vires* actions and are both unlawful and null and void.

This letter is to inform you that Harris County must take corrective action to cure the deficiencies identified by the Secretary of State. Should Harris County fail to comply within fourteen days of receiving this letter, the State will pursue appropriate legal remedies.

The Election Code lays out in clear and precise terms the procedure that a Texas county must adhere to should it decide to create the office of county election administrator and appoint someone to the position. As part of that procedure, the Election Code requires the county to timely notify the Secretary of State when it completes certain milestones. Specifically, the Election Code states, "Not later than the third day after the date the order [establishing the office of county elections administrator] is adopted, the county clerk shall deliver a certified copy of the order to: (1) the secretary of state; and (2) each member of the county election commission." TEX. ELEC. CODE § 31.031(d). The Election Code continues, "Not later than the third day after the date an administrator is appointed, the officer who presided at the meeting shall file a signed copy of the resolution or order with the county clerk. Not later than the third day after the date the copy is filed, the county clerk shall deliver a certified copy of the resolution or order to the secretary of state." *Id.* § 31.032(c).

It is apparent from the information raised by the Secretary of State that Harris County violated these two provisions.

As per Director Ingram's letter, the Secretary of State received documentation from the Harris County Clerk's office on July 28, 2020. The documentation included an order, ratified by the Harris County

Commissioners Court on July 14, 2020, purportedly “establishing the Office of Election Administrator.” Exhibit B. According to the order, the “effective date for the office to begin operations shall be November 18, 2020.” The order specified, however, that the process for instituting and appointing an election administrator would not proceed until the Commissioners Court voted on and approved of a study—prepared by several elected officials—which detailed the budget, facilities, equipment, and personnel needed to maintain the office. The Secretary of State has since learned from news reports that the Commissioners Court received the study and approved it at a meeting on August 11, 2020.¹

Because the Commissioners Court conditioned the July 14, 2020 order on a subsequent vote, the County Clerk’s office had an obligation under Section 31.031(d) to inform the Secretary of State of the study’s receipt and adoption within three days of the August 11, 2020 meeting. It failed to do so. In addition, even if Section 31.031(d) only applied to the July 14, 2020 order, the Secretary of State did not receive any communication from County Clerk’s office concerning the creation of an election administrator until fourteen days after its ratification. Thus, under either interpretation, Harris County is in violation of its obligations under the Election Code.

Shortly after the Commissioners Court approved of the requisite study, the Harris County Election Commission moved to appoint Ms. Longoria to the position of Harris County Elections Administrator. According to the resolution, as well as multiple outside sources,² the vote took place on October 30, 2020. See Exhibit C. The Election Commission, however, did not file the resolution pertaining to Ms. Longoria’s appointment with the County Clerk’s office until November 20, 2020, based on the receipt stamp. This is a violation of Section 31.032(c), which requires the presiding officer to file a signed copy of the resolution within three days of its passage. As a result of the delay, the Secretary of State was not timely informed of the Election Commission’s actions. The Secretary of State instead received notice of Ms. Longoria’s purported appointment on November 20, 2020, when County Clerk’s office emailed the attached resolution. *Id.*

In neglecting its obligations under Sections 31.031(d) and 31.032(c), Harris County failed to meet the requisites stipulated in the Election Code. As a result, neither the Commissioners Court’s July 14, 2020 order nor the Election Commission’s October 30, 2020 appointment of Ms. Longoria to the position holds any legal weight. In short, the Harris County Office of Election Administrator does not exist. And the duties that would typically be delegated to it pursuant to Sections 31.043, 31.044, and 31.045 remain with the County Clerk and County Tax Assessor-Collector.

It has come to the State’s attention that as of November 18, 2020, Ms. Longoria assumed the role and responsibilities of Election Administrator in violation of the Texas Election Code. As a result, her appointment is a nullity and should be rescinded. Please take corrective action to remedy this matter within fourteen days of receipt of this letter. Otherwise, the State will proceed with appropriate legal action to address her unlawful appointment.

¹ See, e.g., Hannah Zedaker, *Harris County Moves Forward With Creation of Elections Administrator Office*, Community Impact (Aug. 12, 2020), <https://communityimpact.com/houston/spring-klein/vote/2020/08/12/harris-county-moves-forward-with-creation-of-elections-administrator-office/>.

² See, e.g., Zach Despart, *Harris County Appoints Isabel Longoria as First Elections Administrator as Hollins Prepares to Step Down*, Houston Chronicle (Oct. 30, 2020), <https://www.houstonchronicle.com/politics/houston/article/Harris-County-appoints-Isabel-Longoria-as-first-15689377.php>.

Respectfully,

/s/ Kathleen Hunker

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